

FIFTEENTH ANNUAL REPORT

OF THE

MASSACHUSETTS BOARD OF REGISTRATION
IN PHARMACY

FOR THE YEAR 1900.

BOSTON :
WRIGHT & POTTER PRINTING CO., STATE PRINTERS,
18 POST OFFICE SQUARE.

1901.

W.

Commonwealth of Massachusetts.

REPORT.

BOSTON, MASS., Oct. 1, 1900.

To His Excellency W. MURRAY CRANE, *Governor*.

SIR : — In accordance with custom and as provided by statute, we present our fifteenth annual report for the year ending Oct. 1, 1900, showing “the condition of pharmacy in the State,” and more particularly our labors in connection therewith.

That pharmacists have seriously suffered from unjust taxation and cut-rate competition cannot be denied ; it is not our province to discuss or enlarge upon these problems. We have strong hopes that relief is near at hand, and that the government will soon readjust the stamp tax, placing the burden where it can be more equitably borne and where protection is afforded, and that a fair remuneration may be given those who toil in a profession requiring special skill and having to do with the agents of life and death.

Looking backward through the years since the organization of the Board, we perceive advancement has been made in the professional standing and in the qualifications of pharmacists, largely due to the excellent opportunities afforded within our own State for pharmaceutical instruction, and to the maintenance of a standard to which all must attain before being legally qualified to engage in the business or profession. We would emphasize the need of a proper preliminary education for all persons entering the business and desiring or intending to become pharmacists. Every young man or woman should seize the opportunity so generously afforded by our public school system for a high school education. Instances not a few have

come to our observation where persons who have omitted so to do have toiled through a period of years only to find the coveted prize raised still higher, and more basic knowledge required. Latin prescriptions cannot be translated without a knowledge of the language, neither can chemical problems be solved without mathematical knowledge.

PRACTICAL OR LABORATORY WORK.

It has long been our desire, in connection with our examinations, to test the skill of candidates in compounding prescriptions, and ascertain their fitness by laboratory work. Owing to the expense involved, we have not felt justified in beginning same when comparison was made with our receipts. The evident intent of the law when first enacted was that the educational department of our work should be self-supporting, the fees paid meeting the expenses, necessitating the examination of a larger number each day than was consistent or proper. The appropriation withheld during the early months of the last session of the Legislature, and afterward granted, will enable us to properly equip and furnish the rooms, and soon candidates will be required to demonstrate their fitness by practical work performed in the presence of one or more members of the Board.

PHARMACY LAWS.

The American Pharmaceutical Association has had under consideration since 1869 the drafting of a general form of pharmacy law. Committees have been appointed to consult with boards of pharmacy and pharmaceutical associations in the United States and Canada. Their reports and drafts have been printed, widely circulated and discussed at the annual meetings of the association, until, at their last session, a "Model Law" was submitted by Prof. J. H. Beal of Scio, O., who frankly stated that he presented a workable draft, conservative in tone, embodying certain general principles and constructed as nearly as possible of tried and tested material, selected from statutes now in force, whose provisions have stood the test of experience and produced beneficial results in practice. This final draft was accepted by the association. Among its important provisions are : —

First. — It shall be unlawful for any person not licensed as a pharmacist, within the meaning of the act, to *own*, conduct or manage any pharmacy, drug or chemical store, apothecary shop or other place of business for the retailing, compounding or dispensing of any drugs, chemicals or poisons, or for the compounding of physicians' prescriptions, or to keep exposed for sale at retail any drugs, chemicals or poisons, except as specially provided; which special provisions are for aids or assistants to registered pharmacists, for the non-interference with any legally registered practitioner of medicine or dentistry in compounding their own prescriptions or supplying their patients, or with the exclusively wholesale business of any dealer registered as a pharmacist or keeping in his employ at least one person so registered, or with the sale of non-poisonous domestic remedies, patent or proprietary preparations containing poisonous ingredients, or the sale of poisonous substances sold exclusively for use in the arts or for insecticides, if sold in unbroken packages labelled "Poison," and having the names of at least two readily obtainable antidotes. Further provision is made for villages of not more than five hundred inhabitants, whereby the Board of Pharmacy may grant permits to persons to conduct a store or sell such drugs and medicines as in their judgment may be required.

The laws of this State are nearly in accord with the above. The amendment to the law enacted at the last session of the Legislature prohibits persons not registered as pharmacists from selling or dispensing or keeping or exposing for sale at retail drugs, medicines or chemicals.

Second. — Certain requirements as to age and experience are established, which must be verified under oath before applicants can appear for examination before a board. When certificates are granted, they are for a limited period.

In this particular the laws of our State are defective. Since the enactment of the original pharmacy law, in 1885, to Oct. 1, 1900, 3,953 certificates have been issued. To our best knowledge, about 2,500 of these certificates are in use. Our agent is constantly finding certificates displayed, the persons owning the same either being deceased or having retired or forsaken the business, leaving behind their certificates, which are sometimes used by unscrupulous persons for illegal pur-

poses. We therefore earnestly recommend a re-registration of all persons now engaged in the practice of pharmacy, — not a *re-examination*, but a *renewal of certificates*; and that when issued they shall be for a limited period, — either two, three or five years from date, — thus providing for the future. This can be accomplished by charging a nominal fee sufficient to defray expenses, or by an appropriation by the State. The benefit resulting to the general public would, we believe, justify the latter.

Third. — Discretionary power is given boards whereby they may refuse to grant a certificate to any person guilty of felony or gross immorality, or who is addicted to the use of alcoholic liquors or narcotic drugs to such an extent as to render him unfit to practise pharmacy. They may also, after due notice and hearing, revoke a license for like cause, or any license procured by fraud. The right of appeal from the action of the Board in refusing to grant or in revoking a certificate for such cause is provided for by taking the same to the Governor or Attorney-General, whose decision, either affirming or overruling the action of the Board, is final.

Under section 9 of the Massachusetts law, power is now given to suspend or revoke certificates, as may be decided for the best interest of the public. This power to revoke has been exercised in 27 cases in seven years. In most of these cases, aside from the offence committed, evidence was produced showing confirmed habits of life which unfitted them for the practice of pharmacy, and in the judgment of the Board the public good demanded such action. Necessarily the facts in such cases are withheld from the public. The evidence taken by a stenographer is on file in the office, but is not considered as public records. Whenever there has been a reasonable prospect of a reform in habits or conduct, the matter has received due consideration. But three certificates have been revoked during the past year.

Concerning the Sale of Poisons. — A more extended list is embraced, and patent articles are not recognized by name, but included as poisonous compounds, preparations or combinations of certain poisons, which are specified and enumerated. A wise provision is made that books of record of sales shall be preserved at least five years, which also applies to the preser-

vation of the original of every prescription compounded or dispensed for the same length of time.

Other general provisions, such as making unlawful peddling or vending in the street any drug, medicine or chemical, or any combination or composition thereof, or any implement of appliance or other agency for the treatment of disease. The exhibition of the title of pharmacist or any other title or description of like import, not being authorized so to do, is also unlawful. Penalties are provided for violations, and any license permit or renewal thereof obtained through fraud or by false or fraudulent representations is made void and of no effect in law.

We have made this extended reference, having in mind possible improvements in the pharmacy laws of this State. We have not overlooked the fact that our present laws have in them much to commend, nor the results obtained therefrom.

ENFORCEMENT OF THE PHARMACY LAW.

In the discharge of the duties of this and the liquor certificate department, we have been ably assisted and faithfully served by our agent. His annual tour of the State has brought him into close contact with pharmacists. He has conducted his investigations in a fair, open, honorable manner. "Spotter evidence," as it is termed, has not been sought by him or desired by the Board.

In these days of enlightenment we realize that ignorance of the law is no excuse. We can, however, attribute much of the ready compliance to the provisions of the pharmacy law to the information imparted by our agent concerning changes in legislation affecting their duties, which might otherwise have escaped notice.

REGISTRATION OF SALES OF LIQUOR.

The law requires that sales of intoxicating liquor of any kind (which includes alcohol) by retail druggists and apothecaries, for medicinal, mechanical or chemical purposes, shall be made only upon the certificate of the purchaser, which certificate shall state the use for which the same is wanted, and shall be immediately cancelled at the time of such sale in such manner as to show the date of cancellation (section 13, chapter 397,

Acts of 1896). It also requires that there shall be a book of record, the form of which is also provided (see section 14 of same chapter).

The intent of the law was that there should be a certificate, which is in the form of an application. After cancellation and completion of the sale, it was to be entered in a book of record, the purchaser signing the book as part of the entry. The practice of having a book combining the two, as a matter of convenience, is almost universal. The failure to have the customer sign in two places, viz., the application and receipt for the purchase, leaves the record or certificate incomplete, and the otherwise law-abiding pharmacist is considered blameworthy, his records being incomplete. He is liable to be reprimanded by officers, courts and possibly by the Board granting certificate of fitness, and by reason of such omission considered an unfit person to receive and exercise the privilege of a sixth-class license. A full and complete record of the transaction should be made. The customer should sign the book of record as a part of the entry.

We can see no good reason for maintaining a law requiring certificates in addition to the record, the law being of little or no effect, and an annoyance to worthy people, who fail to understand why they should sign twice in the same book; and to the pharmacist, who now has difficulty in obtaining signatures, many reputable persons refusing to sign until the law is explained to them as being imperative and the completion of the record absolutely necessary. The dishonest and unworthy are not so particular, and will sign any number of times to secure what they desire.

The report of the secretary of the Board, showing date of meetings and the receipts and expenditures of the different departments, is herewith inserted.

SECRETARY'S REPORT.

Examination Account.

Meetings for examinations have been held on dates and with results as follows : —

1899-1900.	Days.	Examined.	Registered.	Rejected.
October 3-4,	2	23	2	21
November 14-15,	2	26	3	23
January 2-3-4,	3	32	2	30
February 20-21,	2	28	6	22
March 20-21,	2	29	6	23
April 17-18,	2	27	3	24
May 1,	1	15	1	14
May 15-16,	2	22	1	21
June 5-6,	2	27	3	24
June 25-26-27,	3	48	7	41
September 18-19,	2	29	3	26
Totals,	23	306	37	269

Of the thirty-seven certificates granted this year : —

2 passed on first examination.	1 passed on seventh examination.
15 " " second "	3 " " eighth "
5 " " third "	1 " " ninth "
4 " " fourth "	2 " " tenth "
4 " " fifth "	

FINANCIAL STATEMENT FROM OCT. 1, 1899, TO OCT. 1, 1900.

Oct. 1, 1899, cash in State treasury, \$282 74

Received during the year : —

Fees from applicants, 107 at \$5, \$535 00

Fees from applicants, 212 at \$3, 636 00

For duplicate certificates, 7 00

1,178 00

Total, \$1,460 74

Expenditures.

	Services.	Expenses.	Total.
John Larrabee, president, . . .	\$105 00	\$19 72	\$124 72
Amos K. Tilden, secretary, . . .	217 50	14 06	231 56
F. H. Butler,	105 00	52 30	157 30
John A. Rice,	65 00	87 27	152 27
Charles F. Nixon,	140 00	61 40	201 40
	<hr/>	<hr/>	<hr/>
	\$632 50	\$234 75	\$867 25

A. K. Tilden, drugs, stamps, etc., . . .	\$13 93	
C. F. Nixon, drugs,	3 90	
J. L. Fairbanks & Co.,	10 00	
J. L. Hammett & Co.,	10 00	
Wright & Potter Printing Company, . . .	36 71	
H. W. Stone, engrossing certificates, . .	5 10	
E. L. Patch Company, drugs,	6 72	
Thompson & Hill, printing,	5 25	
	<hr/>	91 61
		<hr/>
		\$958 86
		<hr/>
Balance in State treasury,		\$501 88

Liabilities.

Applicants not examined, fees paid:—

Prior to Oct. 1, 1899:—

39 at \$5,	\$195 00	
48 at \$3,	144 00	
	<hr/>	\$339 00

From Oct. 1, 1899, to Oct. 1, 1900:—

17 at \$5,	\$85 00	
22 at \$3,	66 00	
	<hr/>	151 00

Total,	<hr/>	\$490 00
------------------	-------	----------

Liquor Certificate Applications.

Applications received from Oct. 1, 1899, to March 1, 1900, to expire May 1, 1900,	56
Certificates granted,	27
Applications rejected or withdrawn,	29

Applications received from March 1, 1900, to Oct. 1, 1900, to expire May 1, 1901,	1,250
Certificates granted,	1,104
Applications refused or withdrawn,	143
Transferred to new account,	3

Total number of applications for the year,	1,306
Total number of certificates granted,	1,131
Total number of applications rejected or with- drawn,	172
Transferred to new account,	3
Received for liquor certificates,	\$1,306 00
Returned to rejected applicants,	\$172 00
Paid to State Treasurer,	1,131 00
Transferred,	3 00

FINANCIAL STATEMENT FROM OCT. 1, 1899, TO OCT. 1, 1900.

	Services.	Expenses.	Total.
John Larrabee, president,	\$327 50	\$32 21	\$359 71
Amos K. Tilden, secretary,	617 50	20 57	638 07
F. H. Butler,	80 00	30 20	110 20
John A. Rice,	25 00	45 74	70 74
Charles F. Nixon,	75 00	35 10	110 10
Simon B. Harris, agent,	785 00	379 52	1,164 52
Lucie I. Barrett,	570 00	—	570 00
	<hr/>	<hr/>	<hr/>
	\$2,480 00	\$543 34	\$3,023 34

A. K. Tilden, witness fees,	\$24 75	
Press Clipping Bureau,	10 95	
Wyckoff, Seamans & Benedict,	13 90	
New England Telegraph and Telephone Company,	4 05	
Wright & Potter Printing Company,	2 88	
Sampson, Murdock & Co.,	5 00	
J. L. Fairbanks & Co.,	30 63	
Spatula Publishing Company,	15 00	
	<hr/>	107 16
Total,		\$3,130 50
Meetings on liquor certificate applications,		23
Hearings on liquor certificate applications,		85

Enforcement of Pharmacy Law.

SUMMARY.

Number of meetings for enforcement of pharmacy law,	11
Number of hearings on violations of pharmacy law,	14
Number of certificates revoked altogether,	3
Number of certificates suspended for five years,	1
Number of certificates suspended for two years,	1
Number of certificates suspended for one year,	2
Number of certificates suspended for six months,	3
Number of certificates suspended for sixty days,	1
Number of cases placed on file,	1
Number of cases continued for sentence,	2
Formal complaints to the Board,	33

FINANCIAL STATEMENT FROM OCT. 1, 1899, TO OCT. 1, 1900.

	Services.	Expenses.	Total.
John Larrabee, president, . . .	\$40 00	\$7 62	\$47 62
Amos K. Tilden, secretary, . . .	170 00	6 00	176 00
F. H. Butler,	50 00	23 00	73 00
John A. Rice,	15 00	25 35	40 35
Charles F. Nixon,	75 00	65 30	140 30*
Lucie I. Barrett,	150 00	—	150 00
Simon B. Harris, agent,	810 00	366 26	1,176 26

\$1,310 00 \$493 53 \$1,803 53

A. K. Tilden, witness fees,	\$59 80	
J. L. Fairbanks & Co.,	2 00	
F. S. Blanchard & Co., Year Book,	3 00	
Wright & Potter Printing Company,	2 25	
	<hr/>	67 05
Total,	<hr/>	\$1,870 58

We submit the report of our agent as a part of this report.

The office has been open daily, and meetings held by the Board whenever required, for hearings, the examination of candidates and the despatch of business.

Respectfully submitted,

JOHN LARRABEE, *President.*
 AMOS K. TILDEN, *Secretary.*
 JOHN A. RICE.
 F. H. BUTLER.
 C. F. NIXON.

* Expenses, \$64.50, as delegate to the Pure Food and Drug Congress at Washington, D. C.

AGENT'S REPORT.

To the Board of Registration in Pharmacy.

GENTLEMEN:—Herewith is a statistical report compiled during the past year by your agent, together with records relative to the business and the enforcement of pharmacy laws during the year just closed.

The following-named registered pharmacists have died during the past year:—

A. E. Ayers, . . . Boston.	E. F. Faulkner, Jr., . Lowell.
F. W. Day, . . . Boston.	F. G. Foster, . . . Northbridge.
Edward Rogers, Jr., Boston.	Franklin Porter, . . Randolph.
W. L. Tilden, . . . Boston.	G. A. D. Stickney, . . Salem.
Louis N. Tower, . . Boston.	T. H. Fenelon, . . . Somerville.
William H. Knight, . Boston.	F. A. Spencer, . . . Spencer.
F. W. Gilcreas, . . . Belmont.	G. W. Gelineau, . . Springfield.
John Buck, . . . Chelsea.	F. R. Wood, . . . Taunton.
Frederick W. Willis, Dedham.	Thomas F. Kelley, . Waltham.
E. S. Anthony, . . . Fall River.	H. L. Coe, . . . Watertown.
William G. Bennett, Fall River.	C. S. Hannum, . . . Westfield.
Henry C. Willard, . . Greenfield.	L. C. Flanagan, . . Weymouth.
L. G. Babcock, . . . Lexington.	Allan Clark, . . . Worcester.

They were honorable gentlemen, respected in the communities in which they resided, and interested in the welfare of their chosen profession.

With but few exceptions, the pharmacy laws have been well observed by registered pharmacists during the past year, 97½ per cent. of the pharmacists having conducted their business in such a manner that no complaints have been made to the Board of Registration in Pharmacy against them. The balance of 2½ per cent., together with unregistered persons engaged in the pharmacy business, have required the supervision of the Board in connection with the local officers.

Chapter 317, Acts of 1900, which prohibits unregistered proprietors from engaging in the pharmacy business, even though they have in their employ a registered clerk, is proving to be one of the most beneficial to the business, its enforcement putting the dispensing of drugs, medicines, chemicals and poisons into skilful and competent hands. During the past year, of the number of prosecuted and convicted, 18 were unregistered proprietors. The above act was approved May 16 last past, and since that time the attention of non-registered proprietors has been called to the matter in question. The department stores have cheerfully decided to conform to the law by forming stock companies and turning the pharmacy business over to the supervision of registered pharmacists, who, in accordance with chapter 106, Acts of 1900, own stock to the actual value of \$500 in the incorporated companies, and who conduct the business in person. Others have voluntarily sold out and given up the business, while still others have been driven out by process of law.

Your attention is called to the fact that many certificates of registration in pharmacy are and have been in evidence throughout the State, with no owner to take charge of them. Some belong to persons deceased; others to those who have left the State; others have been carelessly left where they were last displayed, and whether the owners are dead or alive remains unknown; while still other certificates have been revoked altogether for cause. If some means could be devised whereby the registered pharmacists in the Commonwealth could be correctly known, eliminating those certificates which have become obsolete, thus enabling the Board to correctly record the registered pharmacists of Massachusetts, and inform the public who is registered and who is not, very beneficial results would follow, not only preventing imposition upon registered pharmacists, but acting as an important safeguard to the public.

A noticeable feature in the conduct of the pharmacy business in Massachusetts during the past few years is the material improvement in the appearance of the stores, viz., very elaborate fixtures, including plate-glass show cases, dazzling show bottles, tile floors, elegant soda fountains, all going to show a pardonable pride, amounting almost to rivalry, taken by pharmacists in their business, which has come to be a profession.

In the enforcement of the pharmacy laws during the year strange developments have come to light, in some instances quite unique, a synopsis of which may be somewhat interesting.

In one instance a lawyer persisted in conducting the pharmacy business, he being unregistered, notwithstanding the late act governing such cases. It required three prosecutions to convince him he was wrong. The store was closed.

Another remarkable case was the seizing of thirty-three cases of lager beer and nearly a barrel of whiskey on the Lord's Day, from a druggist whose place of business was within one hundred feet of the police station.

Another was the fact that the druggist's whiskey came in quart bottles packed in sugar barrels marked "Fruit Juice." This was in a no-license town, notwithstanding we have a very stringent transportation act on our statute book. He decided not to transport any more liquor that way.

Another said, upon being interviewed, "I don't use much liquor anyway;" but, upon looking over his stock, three empty whiskey barrels were found upon which the United States gauger had put his stamp within the last sixty days. A conviction in court followed.

Another case was that of an applicant before the Board for a recommendation to obtain a sixth-class license. A visit was made to the store of the applicant on the Lord's Day. Your agent, upon entering the store, was confronted by the proprietor, who excitedly said, in a confidential manner, "Mr. Harris, I would rather you would not see what is going on in the back room." My reply was, "We can see now what is going on," the door leading to the room in question being open. In full view were a dozen men with lager beer bottles and glasses of beer in their hands, in the act of drinking. "Oh, I am so sorry," said the proprietor, "that this has happened." My reply was, "You are sorry that you have been caught violating the liquor law on the Lord's Day." It cost him his license.

RECAPITULATION.

Number of druggists deceased,	26
Number of drug stores in the Commonwealth,	1,574
Number of stores closed,	28
Number of stores found without any registered person connected therewith,	12

Number of complaints made to the Board and investigated, . . .	89
Number of complaints investigated and reported to the proper prosecuting officers,	61
Number of prosecutions,	57
Number convicted,	47
Number of continued cases in court,	11
Amount of fines paid,	\$3,720
Number of formal complaints made to the Board,	33

The above recapitulation shows that there are still some in the business who have not a proper respect and observance of the law; and it is to be regretted that there are those in the business of pharmacy who require the attention of the courts, the police and the Board of Registration in Pharmacy in order to compel them to cease violating the law made in the interest of good pharmacy and for the protection of the public.

In conclusion, the thanks of your agent are herewith extended to the various officers throughout the Commonwealth who have rendered valuable assistance in the enforcement of the pharmacy law, believing that a public service has been rendered.

Respectfully submitted,

SIMON B. HARRIS,

Agent.

L A W S

RELATING TO

THE PRACTICE OF PHARMACY

IN

MASSACHUSETTS.

1900.

LAWS RELATING TO PHARMACY.

[CHAPTER 397, ACTS OF 1896, AS AMENDED BY THE ACTS OF 1898, 1899 AND 1900.]

AN ACT TO REGULATE THE PRACTICE OF PHARMACY.

Be it enacted, etc., as follows :

SECTION 1. The board of registration in pharmacy shall consist of five persons. The appointments to fill vacancies occurring from expiration of terms of office shall be for five years from the first day of October in each year, and no person shall hereafter serve as a member of said board for more than five years, consecutively,—providing that the present members of said board shall continue to hold their offices during the terms for which they were severally appointed. The appointments to said board shall be made by the governor with the advice and consent of the council, and only skilled pharmacists, resident in the Commonwealth, who have had ten consecutive years of practical experience in the compounding and dispensing of physicians' prescriptions and actively engaged in the drug business, shall be eligible, and not more than one member of said board shall be interested in the sale of drugs, medicines and chemicals and the compounding and dispensing of physicians' prescriptions in the same councillor district. Any member of said board may be removed from office for cause by the governor.

SECTION 2. The members of said board shall meet on the first Tuesday of October in each year at such time and place as they may determine, and shall immediately proceed to organize by electing a president and secretary, who shall be members of the board, and who shall hold their respective offices for the term of one year. The secretary shall give to the treasurer and receiver general of the Commonwealth a bond with sufficient sureties, to be approved by the governor and council, for the faithful discharge of the duties of his office. The said board shall hold three regular meetings in each year, one on the first Tuesday of January, one on the first Tuesday of May and one on the first Tuesday of October, and such additional meetings at such times and places as they shall determine.

SECTION 3. The compensation, incidental and travelling expenses of the board shall be paid from the treasury of the Commonwealth.

The compensation of the members of the board shall be five dollars each for every day actually spent in the discharge of their duties and the amount actually paid by them for necessary travelling expenses in attending the meetings of the board, but in no case exceeding three cents per mile each way. The bills for such compensation and their incidental and travelling expenses shall be approved by the board and sent to the auditor of the Commonwealth, who shall certify to the governor and council the amounts due as in case of other bills and accounts approved by him under the provisions of law. So much of the receipts from examinations as may be necessary for the compensation and expenses of the board, as aforesaid, is hereby appropriated, in addition to any amount authorized by the legislature for the purposes of this act.

SECTION 4. The board shall keep a record of the names of all persons examined and registered hereunder, and a record of all moneys received and disbursed by said board, a duplicate of which records shall always be open to inspection in the office of the secretary of the Commonwealth. Said board shall make to the governor on or before the first day of January in each year a report stating the condition of pharmacy in the state, with a full and complete record of all its official acts during the year, and the receipts and disbursements of the board.

REGISTRATION OF PHARMACISTS.

SECTION 5. Any person desiring to do business as a pharmacist shall, upon payment of a fee of five dollars, be entitled to examination, and if found qualified shall be registered as a pharmacist, and shall receive a certificate signed by the president and secretary of said board.

Any person may be re-examined after the expiration of three months at any regular meeting of the board, upon the payment of a fee of three dollars. All fees received by the board under this act shall be paid by the secretary of the board into the treasury of the Commonwealth.

SECTION 6. Every person who has received a certificate of registration from the board shall conspicuously display the same in his place of business.

SECTION 7. Said board shall hear all applications by registered pharmacists for the granting of sixth class licenses, whenever such hearing is required by the applicant, and all complaints made to them against any person registered as a pharmacist, charging him with suffering or permitting the use of his name or his certificate of registration by others in the conduct of the business of pharmacy when he himself is not the owner and actively engaged in such business;

engaging in, aiding or abetting the violation or, in his business as a pharmacist, violating any of the laws of the Commonwealth now under the supervision of the board of registration in pharmacy, and especially the laws relating to the sale of intoxicating liquor. Such complaint shall be under oath, shall set out the offence alleged, and shall be made within fifteen days of the date of the act complained of.

SECTION 8. Said board shall notify the person complained against of the charge made against him and of the time and place when and where the matter will be heard by them. He may then and there appear before the board with his witnesses and be heard by counsel. Any three of the members of the board shall be a quorum for such hearing. Either member of the board may administer oaths to the witnesses at such hearing, and any person so sworn who wilfully swears or affirms falsely respecting any matter upon which his testimony is required shall be deemed guilty of perjury. Said board shall have the power to send for persons and compel the attendance of witnesses at said hearings, by process duly served.

SECTION 9. If the full board sitting at such hearing shall find that the person complained against is guilty of the acts charged against him said board may suspend his registration as a pharmacist and his certificate thereof, for such term as the board in their judgment, after due consideration of the facts, may deem for the best interest of the public, or may revoke it altogether, but the license or certificate of registration of a registered pharmacist shall not be suspended or revoked for a cause punishable by law until after conviction by a court of competent jurisdiction.

SECTION 10. No license for the sale of spirituous or intoxicating liquors, except of the sixth class, shall be granted to retail druggists or apothecaries. One or more such licenses shall be granted annually by the board of license commissioners of cities, the board of police of the city of Boston, or the selectmen of towns, to retail druggists or apothecaries, if it shall appear that the applicant is a fit person to receive such license, is not disqualified to receive the same under section sixteen of this act, and is a registered pharmacist actively engaged in business on his own account, and if he shall also present to the licensing board a certificate of fitness as provided in section eleven of this act. Retail druggists and apothecaries shall not be subject to the second clause of section nine of chapter one hundred of the Public Statutes when the sale is made, as hereinafter provided, upon the prescription of a physician. [Amended by chapter 106, Acts of 1900, as follows: Section ten of chapter three hundred and ninety-seven of the acts of the year eighteen hundred and ninety-six is hereby amended by adding at the end thereof the following:— A registered pharmacist who owns stock to the actual value of at

least five hundred dollars in a company incorporated for the purpose of carrying on the drug business and who conducts in person the business of a store of such corporation, shall be considered as actively engaged in business on his own account within the meaning of this act, and may be considered as qualified to receive such a license for said store.]

SECTION 11. The state board of registration in pharmacy may issue to applicants for licenses of the sixth class to sell intoxicating liquor a certificate, which shall not be valid after the expiration of one year from its date, stating that in the judgment of said board he is a proper person to be entrusted with such license and that the public good will be promoted by the granting of said license. Any registered pharmacist against whom no complaints have been made to said board may be considered a proper person to receive such certificate. Such complaints shall be in writing, specifying the reason, if any, why a certificate should be withheld. For each certificate so granted by the board of registration in pharmacy said board shall be entitled to receive a fee not exceeding one dollar, to be paid by the applicant.

SECTION 12. Any license for the sale of intoxicating liquor, of the sixth class, shall become null and void, without any process or decree, whenever the registered pharmacist to whom it has been granted shall cease to conduct his business in person and on his own account, or upon the revocation of his registration as such pharmacist and of his certificate thereof, excepting cases where the registered pharmacist has died or become incapacitated, and his business is continued by his widow, executor or administrator, under a registered pharmacist.

SECTION 13. Sales of intoxicating liquor of any kind by retail druggists and apothecaries, for medicinal, mechanical or chemical purposes, shall be made only upon the certificate of the purchaser, which certificate shall state the use for which the same is wanted, and shall be immediately cancelled at the time of such sale in such manner as to show the date of cancellation.

SECTION 14. A book shall be kept by every retail druggist and apothecary in which he shall enter at the time of every such sale the date thereof, the name of the purchaser, who shall also sign his name in said book as part of said entry, the kind, quantity and price of said liquor, the purpose for which it was sold, and the residence by street and number, if there be such, of said purchaser. If such sale is also made upon the prescription of a physician the book shall also contain the name of the physician and state the use for which said liquor is prescribed and the quantity to be used for such purpose, and shall be cancelled in the manner before provided with reference

to certificates. Said book shall be in form substantially as follows:—

Date.	Name of Purchaser.	Residence.	Kind and Quantity.	Purpose of Use	Price.	Name of Physician.	Signature of Purchaser.
-------	--------------------------	------------	--------------------------	----------------------	--------	--------------------------	-------------------------------

SECTION 15. The book, certificates and prescriptions before provided for or referred to, shall at all times be open in the city of Boston to the inspection of the board of police, and in all the cities and towns in the Commonwealth to the inspection of the mayor and aldermen, board of license commissioners, selectmen, overseers of the poor, sheriff, constables, police officers, and justices of the peace.

SECTION 16. Any person making or issuing a false or fraudulent certificate or prescription referred to in sections thirteen or fourteen of this act may be prosecuted therefor, and upon conviction may be fined ten dollars. Any retail druggist or apothecary violating any of the provisions of sections thirteen, fourteen and fifteen of this act shall, upon conviction thereof, be punished by fine of not less than fifty nor more than five hundred dollars, or imprisonment for not less than one month nor more than six months, or by both such fine and imprisonment. He shall in addition to said penalties forfeit his license and be disqualified to hold a license for the period of one year after his conviction, and if the licensee is the owner of the premises no license shall be exercised on the premises described in the forfeited license during the residue of the term thereof.

SECTION 17. Any person not being a registered pharmacist who shall procure a sixth class license for the sale of intoxicating liquors, in the name of a registered pharmacist who is dead, or in the name of a registered pharmacist by borrowing, hiring or purchasing the use of his certificate, and who, being himself the owner or manager of the place, shall by himself or his servants sell intoxicating liquor, shall upon conviction thereof be fined not less than fifty dollars nor more than five hundred dollars, and imprisoned in the house of correction for a term of not less than one month nor more than six months, and the provisions of section eight of chapter two hundred and fifteen of the Public Statutes shall not apply to such sentence.

SECTION 18. [Amended by chapter 317, Acts of 1900, as follows: Section eighteen of chapter three hundred and ninety-seven of the acts of the year eighteen hundred and ninety-six is hereby amended by striking out the words "by himself or his agent or servant, unless such agent or servant is so registered," in the second and third lines, and by adding at the end of said section the words:—

In cases where a registered pharmacist has died or become incapacitated, his business may be continued by his widow, executor or administrator, under a registered pharmacist, — so as to read as follows: —

Section 18. Whoever not being registered as aforesaid shall retail, compound for sale or dispense for medicinal purposes, or shall keep or expose for sale, drugs, medicines, chemicals or poisons, except as provided in section twenty-three of this act, shall be punished by a fine not exceeding fifty dollars. But nothing in this act shall be construed to prohibit the employment of apprentices or assistants under the personal supervision of a registered pharmacist. In cases where a registered pharmacist has died or become incapacitated, his business may be continued by his widow, executor or administrator, under a registered pharmacist.]

SECTION 19. Whoever fraudulently adulterates, for the purpose of sale, any drug or medicine, or sells any fraudulently adulterated drug or medicine, knowing the same to be adulterated, shall be punished by imprisonment in a jail not exceeding one year, or by fine not exceeding four hundred dollars; and such adulterated drugs and medicines shall be forfeited, and destroyed under the direction of the court.

SECTION 20. Whoever sells arsenic (arsenious acid), atropia or any of its salts, chloral, hydrate, chloroform, cotton root and its fluid extract, corrosive sublimate, cyanide of potassium, Donovan's solution, ergot and its fluid extract, Fowler's solution, laudanum, Mc-Munn's elixir, morphia or any of its salts, oil of pennyroyal, oil of savin, oil of tansy, opium, Paris green, Parson's vermin exterminator, phosphorus, prussic acid, "rough on rats", strychnia or any of its salts, tartar emetic, tincture of aconite, tincture of belladonna, tincture of digitalis, tincture of nux vomica, tincture of veratrum viride, or carbolic acid, without the written prescription of a physician, shall keep a record of such sale, the name and quantity of the article sold, and the name and residence of the person or persons to whom it was delivered, which record shall be made before the article is delivered, and shall at all times be open to inspection by the officers of the district police and by the police authorities and officers of cities and towns; but no sale of cocaine or its salts shall be made except on the prescription of a physician. Whoever neglects to keep or refuses to show to said officers such record shall be punished by fine not exceeding fifty dollars. Whoever sells any of the poisonous articles named in this section without the written prescription of a physician, shall affix to the bottle, box or wrapper containing the article sold a label of red paper, upon which shall be printed in large black letters the word, Poison, and also the word, Antidote, and the

name and place of business of the vendor. The name of an antidote, if there be any, for the poison sold, shall also be upon the label. Every neglect to affix such label to such poisonous article before the delivery thereof to the purchaser shall be punished by fine not exceeding fifty dollars. Whoever purchases poisons as aforesaid and gives a false or fictitious name to the vendor shall be punished by fine not exceeding fifty dollars. But nothing in this act shall be construed to apply to wholesale dealers and to manufacturing chemists in their sales to the retail trade, nor to the general merchant, who may sell in unbroken packages containing not less than one quarter of a pound, Paris green, London purple, or other arsenical poisons for the sole purpose of destroying potato bugs or other insect life upon plants, vines or trees: *provided*, that such merchant complies with the provisions of this section in respect to recording such sale and labelling each package sold.

GENERAL PROVISIONS.

SECTION 21. It shall be the duty of the board of registration in pharmacy to investigate all complaints of disregard, non-compliance with, or violation of, the provisions of this act, and to bring all such cases to the notice of the proper prosecuting officers, and especially to prosecute all persons violating section seventeen of this act.

SECTION 22. In order properly to carry out the provisions of this act the board of registration in pharmacy may expend annually a sum not exceeding two thousand dollars, and an itemized statement of all expenses incurred shall be filed with the auditor of the Commonwealth, who, after they have been properly approved, shall allow them in the same manner as other claims against the Commonwealth.

SECTION 23. This act shall not apply to physicians putting up their own prescriptions or dispensing medicines to their patients; nor to the sale of drugs, medicines, chemicals or poisons at wholesale only; nor to the manufacture or sale of patent and proprietary medicines; nor to the sale of non-poisonous domestic remedies usually sold by grocers and others; nor shall any member of a copartnership, other than a registered pharmacist, be liable to the penalties hereof: *provided*, that such non-registered member shall not retail, compound for sale or dispense for medicinal purposes, drugs, medicines, chemicals or poisons, except under the personal supervision of a registered pharmacist.

SECTION 24. Sections five and six of chapter two hundred and eight of the Public Statutes, chapter three hundred and thirteen of the acts of the year eighteen hundred and eighty-five, chapters two

hundred and sixty-seven and four hundred and thirty-one of the acts of the year eighteen hundred and eighty-seven, chapter two hundred and nine of the acts of the year eighteen hundred and eighty-eight, chapters two hundred and twenty-seven and four hundred and seventy-two of the acts of the year eighteen hundred and ninety-three, and chapter four hundred and thirty-five of the acts of the year eighteen hundred and ninety-four, are hereby repealed. [*Approved May 15, 1896.*]